

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, et al.	}	
Plaintiff,	}	
vs.	}	CIVIL ACTION FILE NO.:
BRAD RAFFENSPERGER, et al.	}	1:17-cv-2989-AT
Defendant.	}	

DECLARATION OF PHILIP B. STARK

PHILIP B. STARK hereby declares as follows:

This statement supplements my declarations of September 9, 2018; September 30, 2018; October 22, 2019; December 16, 2019; August 23, 2020; August 31, 2020; September 13, 2020; August 2, 2021; and January 11, 2022 (augmented March 9, 2022), and December 5, 2022. I stand by everything in my previous declarations and incorporate them by reference.

1. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

2. Exhibit 1 is copy of a law journal paper I co-authored with Dr.

Andrew Appel, entitled *Evidence-Based Elections: Create a Meaningful Paper Trail, Then Audit*. It appeared in 2020 in *Georgetown Technology Law Review*, 4,

523. It explains why the paper printout from Ballot Marking Devices (“BMDs”) is not a trustworthy source record for purposes of tabulating or auditing public elections, and explains some of the steps needed to establish whether a paper trail of (hand-marked) ballots is trustworthy prior to conducting a risk-limiting audit.

3. Exhibit 2 is the final, published, peer-reviewed version of a paper I co-authored, *They May Look and Look, Yet Not See: BMDs Cannot be Tested Adequately*, which appeared in 2022 in the proceedings of E-Vote-ID 2022, LNCS 13553, pp. 122–138 DOI10.1007/978-3-031-15911-4_8. An earlier version of this article was entitled *There is no Reliable Way to Detect Hacked Ballot-Marking Devices*, which is attached as Exhibit 3. I cite this paper in several declarations. The paper shows that no feasible amount of logic and accuracy testing, parallel testing, or “passive” testing can ensure that BMD misbehavior does not change contest outcomes.

4. Research conducted by University of Georgia faculty at the behest of the Georgia Secretary of State found that voter verification rates are low and voters who do look at their printed BMD ballots generally look for very brief periods. This research, *Georgia Voter Verification Study Draft Version 1.0*, reported in January 2021, is attached as Exhibit 4. I cite this report in my declarations. The copy of the report was obtained from the Atlanta Journal Constitution published

article.¹ The reporter states that “The Georgia study is the largest known examination of voter behavior on ballot-marking devices, with over 4,000 voters observed in 39 precincts.” I am aware of no information to the contrary.

5. I am not aware of any research that is inconsistent with the research cited in Exhibit 4, nor any research that finds that voters can or do verify their BMD ballots well enough to ensure that BMD misbehavior does not alter contest outcomes.

6. I co-authored a September 8, 2022, letter to Georgia state election officials concerning the breach of the Georgia Voting System that was initiated in Coffee County. A true and correct copy is attached as Exhibit 5. On page 2, the letter explains why “Georgia’s elections have a higher risk of compromise due to the reliance on computerized Ballot-Marking Devices (BMDs) to record vote selections for in-person voting.”

7. Signers of the letter include prominent members of the community of scientists who are experts in voting systems. Several of the co-signers are current or former members of the Verified Voting Board of Directors or Board of Advisors, such as Dr. Duncan Buell, Dr. Richard DeMillo, Dr. Larry Diamond,

¹ AJC: *Under Half of Georgia voter checked their paper ballots, study shows.* <https://www.ajc.com/politics/under-half-of-georgia-voters-checked-their-paper-ballots-study-shows/6HSVHHFOBRBDPODRZXLIBTUS64/>

Lowell Finley, Dr. David Jefferson, Dr. Douglas Jones, Mark Ritchie, Dr. John Savage, and Dr. Kevin Skoglund, most whom I know personally through Verified Voting, election integrity conferences, or other election integrity activities. Verified Voting's Board current members are listed on their website at <https://verifiedvoting.org/team/#advisors>

8. I co-authored a September 2, 2021, letter to California Secretary of State Dr. Shirley Weber warning of the security issues related to the release of Dominion software from Antrim County, Michigan and Mesa County, Colorado. A true and correct copy of the letter is attached as Exhibit 6. The letter explains the increased security risk to jurisdictions using the Dominion BMD machines. The co-signers were well-respected members of the community of voting system experts; several of them are computer scientists.

9. I co-authored a December 12, 2022, letter to the U.S. Department of Justice, the Federal Bureau of Investigation and Cybersecurity & Infrastructure Agency (CISA) seeking federal investigations of the Georgia voting systems breach. A true and correct copy of the letter is attached as Exhibit 7. The letter explains the elevated risk of election manipulation because of Georgia's universal use of BMDs. (page 11)

10. Joining me in submitting this letter were highly respected members of the scientific and legal community with voting systems expertise. (pages 12-14)

11. OSET Institute, a non-profit organization with emphasis on election technology, issued a statement regarding the risks to voting systems in the wake of the breach of the Georgia system through Coffee County. A true and correct copy of the statement is attached as Exhibit 8 as published and circulated. It explains that the risk is heightened because of Georgia's use of BMDs. (footnote 7 page 5)

12. I serve on the OSET Institute Board of Advisors, which includes several other voting system experts: Dr. Barbara Simons (Chair of the Board of Verified Voting), Dr. Richard DeMillo (Georgia Tech), and Dr. Stephanie Singer (Portland State). Gregory Miller, John Sebes, and Edward Perez, John Gage, and seven others serve on the OSET Board of Directors.

13. Dr. Andrew Appel incorporated some of the above-referenced research in which I was involved in his July 21, 2022 article, "Magical Thinking about Ballot-Marking-Device contingency plans." That article is attached as Exhibit 9 (downloaded January 15, 2023).

14. My December 5, 2022, Declaration (Doc. 1569-44 ¶24, and footnote 15) references Dr. Halderman's and Dr. Springall's "DVSOrder" research. Exhibit 10 is a true and correct copy of the DVSOrder research publication, downloaded February 1, 2023.

15. My March 9, 2022, Declaration references the Secretary of State's press release concerning the November 2020 post election audit. (Doc. 1569-42,

footnote 4) Exhibit 11 is a copy of that press release downloaded from the Secretary of State's website on January 21, 2023.

I declare under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this date, February 5, 2023.



Philip B. Stark